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***THE MONTANA  
LEGISLATIVE  
COUNCIL***  
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# MONTANA LEGISLATIVE COUNCIL

## SENATE MEMBERS

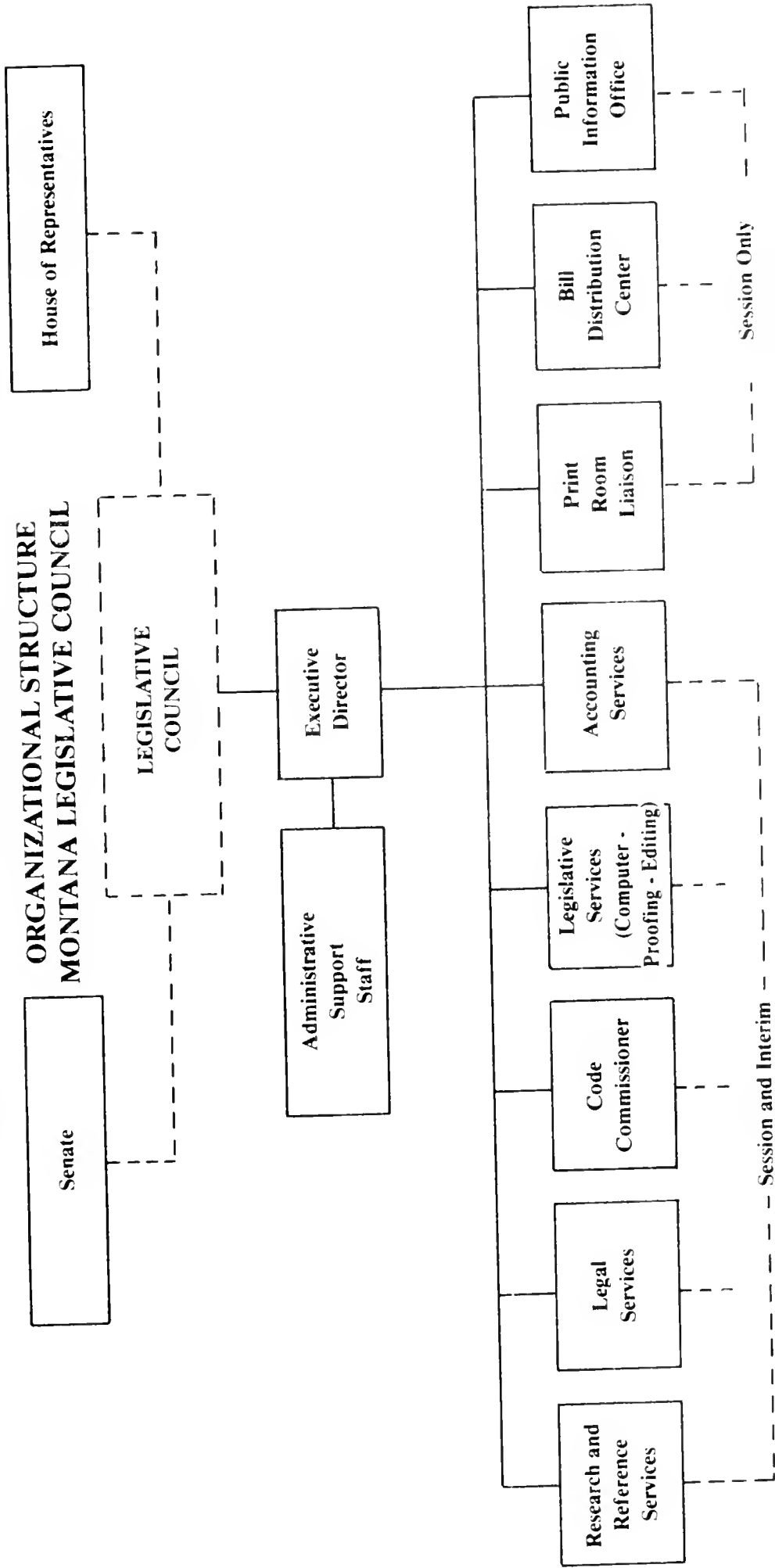
Allen C. Kolstad — R  
 Vice-Chairman  
 Pat M. Goodover — R  
 Carroll Graham — D  
 M. K. Daniels — D

Diana S. Dowling  
 Executive Director  
 Room 138, State Capitol  
 Helena, Montana 59620  
 Telephone: 406-449-3064

## HOUSE MEMBERS

Rex Manuel — D  
 Chairman  
 John Vincent — D  
 Ralph S. Eudaily — R  
 Robert L. Marks — R

## ORGANIZATIONAL STRUCTURE MONTANA LEGISLATIVE COUNCIL





## **HISTORY OF COUNCIL**

Established in 1957, the Montana Legislative Council was originally created as a permanent agency of the legislative branch of state government designed to study selected problems confronting the Legislature in the interim between biennial sessions and to perform other services that facilitate the legislative process.

In 1973 the responsibility for conducting interim studies was transferred from the Council to legislative standing committees or their subcommittees. Particular areas to be studied in an interim, previously determined by the Council, became a responsibility of a Committee on Priorities. The 1979 Legislature returned the responsibility for determining the subject matter of interim studies and the membership of interim study committees to the Legislative Council. The 1981 Legislature changed appointment responsibility from the Council to the Senate Committee on Committees and the Speaker of the House. Members are chosen from the respective standing committees of each house. The Legislative Council retains the responsibility for designating the studies and assignment of committees.

Title 5, Chapters 5, 6, and 11, and Title 1, Chapter 11, MCA, provide the statutory authority for the structure and functions of the Council and interim committees. For purposes of discussion, the content of these sections may be divided into four areas: first, the powers and duties of the Council; second, the structure and responsibilities of the Council staff; third, interim committee organization and procedures; and fourth, the operation of the legislative intern program.

### **The Council**

The Legislative Council consists of four members chosen from the House and four members chosen from the Senate. Both political parties are equally represented on the Council. Each new Council must be chosen by the Speaker of the House and the Senate Committee on Committees before the fiftieth day of the first regular session of the biennium, and members serve for the biennium.

The law charges the Council with administrative responsibilities relative to the Council staff. An important responsibility of the Council since 1975 has been supervision of the codification of Montana's statutes by a Code Commissioner assigned to the Council staff. The Montana Code Annotated, as published by the Code Commissioner, was adopted as *prima facie* the law of Montana by Chapter 1, Laws of 1979.

The one nonadministrative policy study function assigned to the Council provides a legislative safety valve. The Council may, in the event a problem demanding legislative attention arises during the interim, assign study of the problem to an appropriate study committee.

The Council may not approve or disapprove substantive portions or recommendations of any interim committee report.

## **The Council Staff**

The staff of the Legislative Council acts as an independent, nonpolitical, impartial staff agency for the Legislature, performing those duties and functions assigned by law or as directed or requested by members and committees of the Legislature. The Council staff also provides information to the public in legislative matters.

The staff is divided into four functional divisions: Legislative Services Division, Research and Reference Services Division, Legal Services Division, and Management and Business Services Division. Three additional divisions are activated during a legislative session: the Public Information Office, Bill Distribution Center, and the Print Shop Liaison.

The Legislative Services Division is responsible for clerical preparation of introduced bills and for engrossing and enrolling of bills. This division uses a computerized word processing system in order to operate with a high degree of effectiveness and accuracy with a relatively small staff of copy editors, typists, and proofreaders. The computerized word processing system is also used in the publication of the Montana Code Annotated. This division is also responsible for the compilation and publication of the following: bill drafting record index, internal reference list, Rules of The Montana Legislature, code sections affected list, Daily Bill Status, Combined Final Status, Daily and Final Journals of House and Senate, Session Laws, Codes, and Annotations.

The Research and Reference Services Division and the Legal Services Division have many of the same responsibilities. Both divisions perform general and specialized research and reference and information functions. Staff members from both divisions may assist in the preparation of the Legislative Review, staff legislative committees during the session and throughout the interim, draft legislation, prepare legislative and staff reports, and provide information on the legislative process to the public. During the interim, the Legal Services Division is primarily responsible for publication and updating of the Montana Code Annotated. The Research Division has primary responsibility for staffing interim committees and providing reference services. The Research and Reference Services Division maintains a reference library containing items of special interest to legislators and legislative staff. The library maintains a liaison with other libraries to help make information available as quickly as possible.

In addition to the 3,000-page index to the Montana Code, the indexers in the legal division also provide the subject index for all bills introduced into a legislative session, the Journal Index, Legislative Review Index, Session Law Index, and Legislative Rules Index. The indexers also prepare a list of legislation by sponsor and an LC number to bill number table. The indexes are updated during and after each legislative session.

The Code Commissioner supervises the continuing codification, indexing, rearranging, and general updating of the Code. Annotations, including case notes to federal and state court decisions and other material useful to MCA users, are published separately from the statutes in a looseleaf format that may be easily updated.

The Management and Business Services Division maintains all bookkeeping records; signs all legislative claims and payrolls; requisitions all printing, supplies, and equipment; and serves the House and Senate during a Session.

During a Legislative Session the Public Information Office is in operation in the Capitol rotunda. The PI office works six days a week providing legislative information via toll-free telephone lines and to the many Capitol visitors. The office assists in preparation of the Legislative Telephone Directory and prepares daily Committee Hearing Calendars. The office also distributes the Legislative Rules and daily House and Senate second and third reading agendas, seating charts, and other relevant materials.

The Bill Distribution Center distributes bills, amendments, resolutions, indexes, daily status, rules, and journals to legislators, state agencies, lobbyists, and other subscribers to the Legislative proceedings. Daily mailings of the proceedings are made to the 56 County Clerk and Recorders and the 12 state libraries.

The print shop liaison staff orders all printing, sets priorities on the printing, and delivers printed proceedings to the House and Senate bill distribution offices.

**Permanent Legislative Council Staff:**

Diana S. Dowling, Executive Director and Code Commissioner  
Eleanor Eck, Administrative Assistant

**Management and Business Services**

Sharole Connelly, Director of Accounting  
Bonnie Albiston, Accounting/Payroll Technician  
Kay Roos, Purchasing Clerk  
Kathy Thompson, Publications Distribution  
Danna Sinnott, Secretary/Receptionist

**Research and Reference Services Division**

Robert B. Person, Director  
Dave Bohyer, Researcher  
Anne Brodsky, Researcher  
Lois Menzies, Researcher  
Andrea Merrill, Researcher  
Jim Oppedahl, Senior Researcher  
Paul Verdon, Researcher  
Sally Halverson, Librarian  
Sharon Ulberg, Librarian Assistant  
Ellen Garrity, Division Office Manager  
Rebecca Meredith, Composing Technician

**Legal Services Division**

Robert C. Pyfer, Director  
Brenda Desmond, Staff Attorney

J. Cort Harrington, part-time Staff Attorney  
Lee Heiman, Staff Attorney  
John MacMaster, Staff Attorney  
David Niss, Staff Attorney  
Gregory J. Petesch, Staff Attorney  
Nadine E. Wallace, Indexer  
Jacqueline Nichols Terrell, part-time Indexer  
Helen MacPherson, Legal Secretary

### **Legislative Services Division**

Marilynn Novak, Director  
Mait Board, Proofreader  
Phyllis Cote, Senior Proofreader  
Connie Dixon, Senior Data Entry  
Marie Fuhrmann, Senior Proofreader  
Doris Groot, Senior Editing Aide  
Carol Ann Jacobsen, Proofreader/Editing Aide  
Mary Ellen Randall, Chief Editor  
Patricia Small, Senior Data Entry  
Doug Sternberg, Senior Editing Aide  
Hank Trenk, Systems & Programming Supervisor  
Jan Vulk, Senior Data Entry/Status Supervisor

### **Legislative Interim Operations**

Section 5-5-202 and Sections 5-5-211 through 5-5-217, MCA, govern legislative committee studies during an interim. During the legislative session, resolutions may be proposed requesting interim studies. Immediately following the Session, the Legislative Council must prepare a list of study resolutions adopted by the Legislature and distribute it to each legislator. Each legislator is requested to rank the studies in order of importance. After reviewing the priority lists, the estimated cost of each study, and the staff assistance required for each study, the Legislative Council determines which studies will be undertaken.

There are four types of committees that function during an interim: full standing committees, interim study committees, select committees, and committees established by law.

Interim study committee members are appointed by the Committee on Committees and Speaker of the House following designation of the studies to be conducted and assignment to committees by the Legislative Council. A study committee consists of four members from each house. No more than two members from each house may be of the same political party. These subcommittees do the majority of the interim work. Each study committee must report its findings and recommendations to the Legislature at the beginning of the next Session.



A select committee is formed to examine a particular issue or bill. It operates in a fashion similar to the interim study committees except that it must be supported by a specific budget and may operate under special rules established by law or resolution.

The full standing committees are also authorized to function during the interim. However, they have not traditionally done so, and budgets are not designed to support such activity.

Committees established by law are appointed and meet in accordance with provisions of their authorizing statutes. The Council staff assists such committees upon request. The following statutory committees are currently staffed by the Legislative Council: Revenue Oversight, Coal Tax Oversight, Water Resources Oversight, Indian Affairs, Administrative Code, Capitol Building and Planning, Montana Salary Commission.

### **Legislative Intern Program**

The Legislative Council administers the Legislative Intern Program, established by law in 1974. This program provides an opportunity for qualified Montana college and university students to gain first-hand experience of the legislative process. Each unit of the Montana University System may select at least one intern, and five additional interns may be chosen from applications submitted to the Council. The Council assigns each intern to a legislator, and the intern is directly responsible to that legislator.

## **LEGISLATIVE RESEARCH PUBLICATIONS**

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Since its creation the Council has issued the following major research publications:

### **1957-58 Interim**

- \*Legislative Handbook
- \*Report No. 1—Montana State Prison
- \*The Administration of Higher Education in Montana  
(by G. Homer Durham)
- \*General Report No. 1

### **1959-60 Interim**

- \*The State Government of Montana (Organization Chart)
- \*Report No. 2—Legislative Procedures
- \*Report No. 3—The Organization and Administration of State Government
- \*Report No. 4—State Lands and Investments
- \*Report No. 5—Higher Education
- \*Report No. 6—Property Taxation in Montana
- \*General Report No. 2

#### 1961-62 Interim

- \*Bill Drafting Manual for the Montana Legislative Assembly  
Report No. 7—Executive Reorganization
- \*Report No. 8—Fiscal Control
- \*Report No. 9—State Treasury Fund Structure

#### 1963-64 Interim

- \*The State Government of Montana (Organization Chart)  
Report No. 10—Legislative Rules  
Report No. 11—Public Official and Employee Bonds—Fees Collected by State Agencies
- \*Report No. 12—Personnel Management
- \*Report No. 13—Administration of State Liquor Monopoly
- \*Report No. 14 Investment of Public Funds
- \*Report No. 15—Revision of Laws of the Department of Public Institutions
- \*Report No. 16—Property Taxation and the Montana Property Classification Law

#### 1965-66 Interim

- Report No. 17—Legislative Fiscal Analysis
- \*Report No. 18—Revision of Public Health Laws—Revision of Fire Protection Laws
- \*Report No. 19—Professional and Occupational Licensing Boards
- \*Report No. 20—Revision of Laws for Public Schools  
Report No. 21—Conservancy Districts
- \*Report No. 22—Retirement Systems for Policemen and Firemen  
Report No. 23—Montana Taxation

#### 1967-68 Interim

- \*The State Government of Montana (Organizational Chart)  
Report No. 24—Building Standards—Election Laws
- \*Report No. 25—The Montana Constitution  
Report No. 26—Montana Corporation License Tax  
Report No. 27—State Printing  
Report No. 28—Vocational Education

#### 1969-70 Interim

- Report No. 29—Regulation of the Sale and Use of Pesticides—Statewide Laboratory System
- Report No. 30—Self-Insurance on State-Owned Property
- Report No. 31—Property Taxation—Right of Entry
- Report No. 32—Recodification of School Laws—Elementary and Secondary Education—Higher Education
- Report No. 33—Administrative Procedures
- Report No. 34—Local Government

Report No. 35—Income Taxation

Report No. 36—Board of Railroad Commissioners Ex Officio Public Service  
Commission of Montana

Report No. 37—Vietnam Honorarium

1971-72 Interim

Report No. 38—Executive Reorganization

Report No. 39—Health Service Corporations

Report No. 40—Higher Education, Duplications

Report No. 41—Highways

Report No. 42—Insurance Reform

Report No. 43—Juvenile Institutions

Report No. 44—Legislative Modernization

Report No. 45—Local Government

Report No. 46—Public Service Commission

Report No. 47—Roll Call and Sound System, House of Representatives

Report No. 48—School Construction

Report No. 49—School Equalization Aid

Report No. 50—School Foundation Program

Report No. 51—Self-Insurance, Schools

Report No. 52—State Laboratories

Report No. 53—Water Resources

Report No. 54—Welfare

1973 Interim

Bond Issues in Montana

Election Reform

Swan River Youth Forest Camp

Financing and Administration of Public Libraries

Right to Know, Right to Participate

Special Education for the Handicapped

Progress Report on House Joint Resolution No. 22—Retirement Systems for Public  
Employees

Campaign Practices and Finances

1974 Interim

Workmen's Compensation

The Montana High School Association and Montana Interstate Activities

Moneys, Solvent Credits, and Industrial Facilities Taxation

Alcoholic Beverage Control Statutes

Fossil Fuel Taxation

Institutions

Equality of the Sexes

Uniform Fee Taxation and Anniversary Date Registration of Motor Vehicles

Actuarial Valuation; State Law Enforcement Retirement Programs

#### 1975-76 Interim

Collective Bargaining and the State Wage and Classification Plan  
Entry into Montana's Trades, Crafts, and Professions  
Limitations on the Waiver of Sovereign Immunity  
Medical Malpractice  
Montana's District Courts  
Montana's Inheritance Taxes  
Montana's Property Taxes: Assessment and Classification  
Montana's State Income Tax  
Preservation of Agricultural Lands: Alternative Approaches  
Public Access to Public Lands  
Revision of Montana's Fire Laws  
Right of Privacy—Implementing Article II, Section 10, of the Montana Constitution  
Wine and Liquor Marketing Alternatives for Montana

#### 1977-78 Interim

Administrative Code Committee Biennial Report  
Capitol Master Plan: Reports and Recommendations  
Comparative Individual Tax Burdens in the Fifty States  
Community College Governance  
Determination of Existing Water Rights  
Election Laws  
Income Tax Indexing  
Legislative Improvement  
Local Government Laws  
Montana's Historical and Cultural Resources  
Montana's Subdivision Laws: Problems and Prospects  
Motor Vehicle Fee System  
Report of the Coal Tax Oversight Committee  
Report of the Committee on Indian Legal Jurisdiction  
Revision of Montana's Property Tax Classification System  
State Legal Services  
Taxation of Metal Mines  
Taxation of Montana's Financial Institutions  
The Human Service Delivery System in Montana  
Timber Taxation in Montana  
Vocational Education Governance

#### 1979-81 Interim

Administrative Code  
Annexation Laws  
Branching of Financial Institutions  
Coal Tax Oversight

Container Deposits  
Corrections Policy and Facility Needs  
Economic Problems  
Energy Forecasting  
Greenbelt Law  
Legislative Improvement  
Liquor License Quota System  
Mandates to Local Governments  
Miscellaneous Reports on Taxes  
Montana Salary Commission  
Payment of Taxes Under Protest  
Payments in Lieu of Taxes for State-Owned Property  
Retirement Systems  
Seed Certification  
Select Committee on Indian Affairs

1981-83 Interim

Administrative Code  
Appellate Court Delay  
Bill Drafting Manual  
Business  
Coal Tax Oversight  
Corrections  
District Courts, Indigent Defense, and Prosecutorial Services  
Districting and Apportionment  
Fish and Game  
Highways  
Institutions—Survey of Management of Department  
Interim Directory of Legislative Committees  
Montana Salary Commission  
Prison Construction and Penal Policy Summary  
School Finance: A Question of Equity  
Sources of Information and Publications—Legislative Council  
\*Transportation  
Water Resources  
Youth Services Proposal for Reorganization

\*Copies of reports marked with an asterisk are no longer available for distribution.



# **APPENDIX I**

## **RULES OF PROCEDURE**

### **MONTANA LEGISLATIVE COUNCIL**

#### **RULE I**

Each Legislative Council shall determine the rules of its proceedings.

#### **RULE II**

Regular meetings of the Legislative Council shall be held in the State Capitol, Helena, Montana, unless otherwise approved by a majority of members. Meetings may be scheduled by the Chairman or by a majority of the members. A meeting agenda shall be sent to each member prior to each meeting. Any member of the Legislative Council who misses two (2) consecutive meetings may be relieved of his duties by a majority of the Council.

#### **RULE III**

All meetings of the Legislative Council shall be conducted under the established rules of the Senate of the state of Montana as to quorums and parliamentary procedure as applicable.

#### **RULE IV**

If a question of statewide importance arises when the Legislature is not in session and a study committee has not been appointed to consider the question, a majority of the Council may agree to assign the question to an appropriate study committee.

#### **RULE V**

(1) The Council staff shall assist individual members of the Legislature on request by compiling and analyzing material relating to state government. Such research may not exceed two man days of work without the consent of the Council. This limitation shall not apply to (a) the Council's bill drafting service during and immediately preceding a legislative session or (b) matters relating to administrative rulemaking. Technical assistance may be provided to individual legislators at all stages of the rulemaking process. Council staff may not represent an individual legislator.

(2) Bill drafting requests will not be honored until after the Secretary of State has made his canvass of votes, except that the requests from holdover senators and legislators running unopposed may be processed as staff time permits.

(3) All bill drafting requests must be specific as to what the legislator wishes to accomplish and must also outline the method which will achieve his end. Legislative Council staff, with the concurrence of the Executive Director, is authorized to return a bill drafting request to a legislator for more information.

## **RULE VI**

Subject to the approval of the Council, the Executive Director may engage necessary stenographic, clerical, and other assistance for the operation of the Council, Legislative Services Division, the ALTER program, and aid to interim study committees or legislative standing committees.

## **RULE VII**

The minutes of all regular and special meetings shall be mailed to each member of the Council as soon as possible after each meeting.

## **RULE VIII**

Claims and requisitions up to \$100, payrolls, and routine claims in excess of \$100 may be approved by the Executive Director; all other claims and requisitions must be approved by the Chairman of the Council.

## **RULE IX**

All meetings shall be open to the public.

## **RULE X**

All publicity and news releases on behalf of the Council shall be made by the Chairman of the Council.

## **RULE XI**

The Legislative Council will not pay out-of-state travel expenses for a lameduck legislator.

## **RULE XII**

Alteration, suspension, or amendment of these rules may be by vote of a majority of the Council.



## APPENDIX II

### CHAIRMEN AND VICE-CHAIRMEN OF MONTANA LEGISLATIVE COUNCILS

1957	Chairman	Sen. David F. James (D)
	Vice-Chairman	Rep. Berg (R)
1959	Chairman	Sen. Robert A. Durkee (D)
	Vice-Chairman	Rep. George T. Howard (R)
1961	Chairman	Sen. William R. Mackay (R)
	Vice-Chairman	Rep. John D. Melcher (D)
1963	Chairman	Sen. William A. Groff (D)
	Vice-Chairman	Rep. Henry S. Hibbard (R)
1965	Chairman	Sen. Earl Moritz (R)
	Vice-Chairman	Rep. Francis Bardanouve (D)
1967	Chairman	Sen. David F. James (D)
	Vice-Chairman	Rep. Walter J. Ulmer (R)
1969	Chairman	Sen. Frank W. Hazelbaker (R)
	Vice-Chairman	Rep. Francis Bardanouve (D)
1971	Chairman	Rep. Francis Bardanouve (D)
	Vice-Chairman	Sen. Antoinette F. Rosell (R)
1973	Chairman	Sen. Carroll Graham (D)
	Vice-Chairman	Rep. Henry S. Cox (R)
1975	Chairman	Rep. Robert L. (Bob) Marks (R)
	Vice-Chairman	Sen. Neil Lynch (D)
		Sen. Carroll Graham (D) (replaced Senator Lynch)
1977	Chairman	Sen. Carroll Graham (D)
	Vice-Chairman	Sen. Frank W. Hazelbaker (R)
1979	Chairman	Rep. Oscar S. Kvaalen (R)
	Vice-Chairman	Sen. Pat M. Goodover (R)
1981	Chairman	Sen. Pat M. Goodover (R)
	Vice-Chairman	Rep. John Vincent (D)
1983	Chairman	Rep. Rex Manual (D)
	Vice-Chairman	Sen. Allen C. Kolstad (R)





